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7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re:

10 SOUTH EDGE, LLC,

11 Debtor.

Chapter 11

Case No. BK-10-32968 (BAM)

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**NOTICE OF ENTRY OF ORDER
REGARDING OBJECTIONS OF THE
CHAPTER 11 TRUSTEE TO CLAIM
NO. 10 FILED BY C & S COMPANY, INC.,
AND CLAIM NO. 7 FILED BY
MERCHANTS BONDING COMPANY**

16 Hearing Date: August 31, 2011

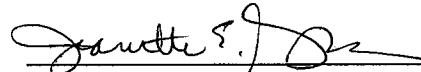
Hearing Time: 9:30 a.m.

17 PLEASE TAKE NOTICE that an Order Regarding Objections Of The Chapter 11 Trustee

18 To Claim No. 10 Filed By C & S Company, Inc., And Claim No. 7 Filed By Merchants

19 Bonding Company was entered on September 16, 2011, a copy of which is attached hereto.

20 DATED: September 16, 2011

21 

22 Jeanette E. McPherson, Nevada Bar No. 5423
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Las Vegas, Nevada 89146-5308
23 Local Counsel for Cynthia Nelson,
24 Chapter 11 Trustee

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Entered on Docket
September 16, 2011

Hon. Bruce A. Markell
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

SOUTH EDGE, LLC,

Debtor.

Chapter 11

Case No. BK-10-32968 (BAM)

**ORDER REGARDING OBJECTIONS OF
THE CHAPTER 11 TRUSTEE TO CLAIM
NO. 10 FILED BY C & S COMPANY,
INC., AND CLAIM NO. 7 FILED BY
MERCHANTS BONDING COMPANY**

Date: August 31, 2011
 Hearing Time: 9:30 a.m.
 Courtroom: Courtroom #3
 Foley Federal Building
 300 Las Vegas Boulevard
 Las Vegas, Nevada 89101

1 THIS MATTER having come before the Court upon the objections [Docket No. 834 and
2 831] (the “Objections”)¹ of Cynthia Nelson, the chapter 11 trustee (the “Trustee”) in the above-
3 numbered bankruptcy case, whether pending under chapter 11 or chapter 7 (the “Bankruptcy
4 Case”), of South Edge, LLC (“South Edge” or the “Debtor”), to the proof of claim (“Claim No.
5 10”) filed by C&S Company, Inc. (“C&S”) and to the proof of claim (“Claim No. 7” and,
6 collectively with Claim No. 10, the “Claims”) filed by Merchants Bonding Company
7 (“Merchants”, and collectively with C&S, “Claimants”); it appearing that notice of the
8 Objections was good and sufficient under the particular circumstances and that no other or
9 further notice need be given; and the Court having considered (i) the Objections, (ii) the Claims,
10 (iii) all responses to the Objections, (iv) all evidence submitted in connection with the Objections
11 and the responses, and (v) the oral argument and representations of counsel at the hearing; based
12 upon the findings and conclusions set forth in the record of the hearing,
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15 IT IS HEREBY ORDERED THAT

16 1. The Claims shall be deemed allowed in the Bankruptcy Case as non-recourse to
17 the Debtor and the Debtor’s bankruptcy estate and no distribution shall be made on account of
18 the Claims by or from the Debtor’s estate, subject to the provisions of this Order.

19 2. In the event of a dismissal of the Bankruptcy Case, this Order shall have no affect
20 on the validity or enforceability of the Claims.

21 3. Notwithstanding anything to the contrary in this Order, nothing shall preclude or
22 otherwise prejudice the Claimants from taking any lawful action necessary to collect the amounts
23 of the Claims so allowed from the Release Bond or from any source other than the Debtor or the
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26 ¹ Any capitalized term used but not defined herein shall have the meaning ascribed to it in the Objection.
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1 Debtor's bankruptcy estate; provided, however, that (i) nothing in this Order shall affect the
2 rights of the Claimants vis-à-vis one another, and (ii) notwithstanding that each Claim has been
3 allowed in the Case, because the Claims arise from the same Final Award, a copy of which is
4 attached to each Claim, nothing in this Order shall be interpreted to mean that Claimants shall be
5 entitled to any more than a single satisfaction of the Final Award.
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7 Submitted by:

8
9 Lenard E. Schwartzer, Nevada Bar No. 0399
10 Jeanette E. McPherson, Nevada Bar No. 5423
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13 Las Vegas, Nevada 89146-5308

14 &

15 /s/ David B. Zolkin
16 Robert J. Moore (admitted *pro hac vice*)
David Zolkin (admitted *pro hac vice*)
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601 South Figueroa Street, 30th Floor
Los Angeles, California 90017

17 Counsel For Cynthia Nelson, Chapter 11 Trustee

18 [Approved] / Disapproved by: Approved / Disapproved by:

19
20 /s/ Robert J. Berens No Response Received
21 Robert J. Berens, Esq.
22 MANN, BERENS & WISNER, LLP
23 3300 N. Central Avenue, Suite 2400
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24 *Attorneys for Merchants Bonding Company* Michael C. Van, Esq.
25 SHUMWAY VAN & HANSEN, CHTD.
26 8985 S. Eastern Ave., Suite 100
Las Vegas, Nevada 89123
27 *Attorneys for C&S Company, Inc.*
28

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1 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that:

3 The court has waived the requirement set forth in LR 9021 (b)(1).

4 No party appeared at the hearing or filed an objection to the motion.

5 I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
6 and any unrepresented parties who appeared at the hearing, and each has approved or
disapproved the order, or failed to respond, as indicated above.

7 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
8 with the motion pursuant to LR 9014(g), and that no party has objected to the form or
content of the order.

9
10 By: /s/ David B. Zolkin
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